IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.457 of 2007

Mr.Rajinder Soni — Applicant
Vs.
State of Maharashtra & anr. — Respondents

Mr.S.K.Pandey i/b. M/s.ABG & Associates for applicant.

Mr.P.A.Pol, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 27, 2007.

P.C.

. Heard the learned counsel for the applicant who had filed C.C. No.139/Misc/2006 before the Metropolitan Magistrate, Railway Mobile Court, Andheri and an enquiry under Section 156(3) of Cr.P.C. was ordered by the said Magistrate on 19/6/2006. Police report came to be submitted and it was pointed out that the Bank in question was in Amritsar (State of Punjab) and the cheque was alleged to have been issued or forged at Amritsar and, therefore, no part of cause of action had arisen within the jurisdiction of the Railway Mobile Court at Andheri. On this ground the learned Magistrate returned the complaint for being presented to the appropriate Court by order dated 10/10/2006. This

order came to be challenged in Revision Application No.1259 of 2006 which came to be dismissed on 27th December 2006 by the learned Addl. Sessions Judge for Greater Mumbai.

. As per the complainant his younger brother Ravikumar had forge the cheque bearing No.352893 dated 21/12/2004 for Rs.9 lakhs. He stated that while he was in Amritsar he opened an account with the United Commercial Bank in 1991 with the introduction of his brother Ravikumar Tarachand Soni (Account No.7958) and subsequently he closed the said account. However, some blank cheques had remained with his brother Ravikumar Soni and one of the cheques he forged and, therefore, he filed complaint for offences punishable under Sections 465, 467, 468, 471, 419 and 420 of IPC against his brother Ravikumar Soni. The learned Addl. Sessions Judge perused the averments in the complaint and also noted that the accused Ravikumar Soni had filed a private complaint against the complainant under Section 138 of the Negotiable Instruments Act, 1881 in respect of the alleged cheque bearing No.352893 dated 21/12/2004 and, therefore, the complaint filed before the learned Magistrate was required to be presented

before the very same Court. This view taken by both the Courts below could not be said to be perverse or patently erroneous so as to cause interference under the supervisory powers of this Court.

. Hence the application is rejected.

(B.H.MARL